IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)		
	Plaintiff,) 8:11CR210)
	vs.) DETENTION ORDER
TIN	MOTHY W. BURGER,) }
	Defendant.	(
A.	After waiving a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on July 20, 2011, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).	
B.	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 	
C.	I) in violation of 18 U.S sentence of five years in years imprisonment; and (Count II) in violation of maximum sentence of ter X (b) The offense is a crime of the offense involves a national content.	and includes the following: a offense charged: d distribution of child pornography (Count S.C. § 2252A(a)(2) carries a minimum apprisonment and a maximum of twenty of the possession of child pornography f 18 U.S.C. § 2252(a)(4)(B) carries an years imprisonment. Violence - See 18 U.S.C. § 3156(a)(4)(C).
	may affect wheth The defendant hat X The defendant hat X The defendant hat The defendant is The defendant defendant of the defendant hat	of the defendant including: opears to have a mental condition which her the defendant will appear. as no family ties in the area. as no steady employment. as no substantial financial resources. not a long time resident of the community. oes not have any significant community he defendant: as a history relating to drug abuse. as a history relating to alcohol abuse. as a significant prior criminal record. has a prior record of failure to appear at

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(b)	At the time of the current arrest, the defendant was on: Probation
	Parole Release pending trial, sentence, appeal or completion of sentence.
(c)	Other Factors:
	The defendant is an illegal alien and is subject to deportation.
	The defendant is a legal alien and will be subject to
	deportation if convicted. The Bureau of Immigration and Custom Enforcement
	(BICE) has placed a detainer with the U.S. Marshal. Other:
	ature and seriousness of the danger posed by the defendant's e are as follows: The nature of the charges in the Indictment.
X (5) Rebut	table Presumptions
In determining that the defendant should be detained, the Court also relied on the following rebuttable presumption(s) contained in 18 U.S.C. §	
3142(€	e) which the Court finds the defendant has not rebutted:
	That no condition or combination of conditions will reasonably
	assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that
	the crime involves:
	X (1) A crime of violence; See 18 U.S.C. § 3156(a)(4)(C) (2) An offense for which the maximum penalty is life
	imprisonment or death; or (3) A controlled substance violation which has a maximum
	penalty of 10 years or more; or
	(4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3)
	above, and the defendant has a prior conviction for
	one of the crimes mentioned in (1) through (3) above
	which is less than five years old and which was committed while the defendant was on pretrial release.
(b)	That no condition or combination of conditions will reasonably
	assure the appearance of the defendant as required and the safety
of the community because the Court finds that there is probable cause to believe:	
	(1) That the defendant has committed a controlled
	substance violation which has a maximum penalty of
	10 years or more.
	(2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and
	in relation to any crime of violence, including a crime of
	violence, which provides for an enhanced punishment
	if committed by the use of a deadly or dangerous weapon or device).

D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable,

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from persons awaiting or serving sentences or being held in custody pending appeal;

- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: July 20, 2011. BY THE COURT:

s/Thomas D. Thalken

United States Magistrate Judge